

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE BILL 250  
Committee Substitute Favorable 3/19/13  
Third Edition Engrossed 3/20/13  
Senate Education/Higher Education Committee Substitute Adopted 6/26/13  
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Short Title: Charter School Enrollment & Charter Revisions.

(Public)

Sponsors:

Referred to:

March 7, 2013

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR ENROLLMENT PRIORITY AND PROCEDURES FOR  
3 CERTAIN STUDENTS APPLYING TO CHARTER SCHOOLS AND TO MAKE  
4 CHANGES AS TO WHAT QUALIFIES AS A MATERIAL REVISION TO A CHARTER  
5 APPLICATION.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 115C-238.29F(g) reads as rewritten:

8 "(g) Admission Requirements. –

- 9 (1) Any child who is qualified under the laws of this State for admission to a  
10 public school is qualified for admission to a charter school.  
11 (2) No local board of education shall require any student enrolled in the local  
12 school administrative unit to attend a charter school.  
13 (3) Admission to a charter school shall not be determined according to the  
14 school attendance area in which a student resides, except that any local  
15 school administrative unit in which a public school converts to a charter  
16 school shall give admission preference to students who reside within the  
17 former attendance area of that school.  
18 (4) Admission to a charter school shall not be determined according to the local  
19 school administrative unit in which a student resides.  
20 (5) A charter school shall not discriminate against any student on the basis of  
21 ethnicity, national origin, gender, or disability. Except as otherwise provided  
22 by law or the mission of the school as set out in the charter, the school shall  
23 not limit admission to students on the basis of intellectual ability, measures  
24 of achievement or aptitude, athletic ability, disability, race, creed, gender,  
25 national origin, religion, or ancestry. Within one year after the charter school  
26 begins operation, the charter school shall make efforts for the population of  
27 the school to reasonably reflect the racial and ethnic composition of the  
28 general population residing within the local school administrative unit in  
29 which the school is located or the racial and ethnic composition of the  
30 special population that the school seeks to serve residing within the local  
31 school administrative unit in which the school is located. The school shall be  
32 subject to any court-ordered desegregation plan in effect for the local school  
33 administrative unit.



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- 1           (5a) The charter school may give enrollment priority to any of the following:  
2           a. ~~siblings~~Siblings of currently enrolled students who were admitted to  
3           the charter school in a previous ~~year and year~~. For the purposes of  
4           this subsection, the term "siblings" includes any of the following who  
5           reside in the same household: half siblings, stepsiblings, and children  
6           residing in a family foster home.  
7           b. Siblings of students who have completed the highest grade level  
8           offered by that school and who were enrolled in at least four grade  
9           levels offered by the charter school or, if less than four grades are  
10           offered, in the maximum number of grades offered by the charter  
11           school.  
12           c. ~~to children~~Limited to no more than fifteen percent (15%) of the  
13           school's total enrollment, unless granted a waiver by the State Board  
14           of Education, the following:  
15           1. Children of the school's principal, teachers, and teacher  
16           assistants, full-time employees.  
17           2. ~~In addition, and only for~~ For its first year of operation, the  
18           charter school may give enrollment priority to children of the  
19           initial members of the charter school's board of directors, so  
20           long as (i) these children are limited to no more than ten  
21           percent (10%) of the school's total enrollment or to 20  
22           students, whichever is less, and (ii) the charter school is not a  
23           former public or private school.  
24           d. A student who was enrolled in the charter school within the two  
25           previous school years but left the school (i) to participate in an  
26           academic study abroad program or a competitive admission  
27           residential program or (ii) because of the vocational opportunities of  
28           the student's parent.  
29           (5b) Lottery procedures for siblings.  
30           a. ~~If multiple birth~~ If multiple birth siblings apply for admission to a charter school and  
31           a lottery is needed under G.S. 115C-238.29F(g)(6), the charter school  
32           ~~shall~~ may enter one surname into the lottery to represent all of the  
33           ~~multiple birth siblings.~~ siblings applying at the same time. If that  
34           surname of the ~~multiple birth~~ siblings is selected, then all of the  
35           ~~multiple birth~~ siblings shall be admitted.  
36           b. If multiple birth siblings apply for admission to a charter school and  
37           a lottery is needed under G.S. 115C-238.29F(g)(6), the charter school  
38           shall enter one surname into the lottery to represent all of the  
39           multiple birth siblings applying at the same time. If that surname of  
40           the multiple birth siblings is selected, then all of the multiple birth  
41           siblings shall be admitted.  
42           ~~Within one year after the charter school begins operation, the population of~~  
43           ~~the school shall reasonably reflect the racial and ethnic composition of the~~  
44           ~~general population residing within the local school administrative unit in~~  
45           ~~which the school is located or the racial and ethnic composition of the~~  
46           ~~special population that the school seeks to serve residing within the local~~  
47           ~~school administrative unit in which the school is located. The school shall be~~  
48           ~~subject to any court-ordered desegregation plan in effect for the local school~~  
49           ~~administrative unit.~~  
50           (6) During each period of enrollment, the charter school shall enroll an eligible  
51           student who submits a timely application, unless the number of applications

1 exceeds the capacity of a program, class, grade level, or building. In this  
2 case, students shall be accepted by lot. Once enrolled, students are not  
3 required to reapply in subsequent enrollment periods.

- 4 (7) Notwithstanding any law to the contrary, a charter school may refuse  
5 admission to any student who has been expelled or suspended from a public  
6 school under G.S. 115C-390.5 through G.S. 115C-390.11 until the period of  
7 suspension or expulsion has expired."

8 **SECTION 2.** G.S. 115C-238.29D reads as rewritten:

9 **"§ 115C-238.29D. Final approval of applications for charter schools.**

10 (a) The State Board may grant final approval of an application if it finds that the  
11 application meets the requirements set out in this Part or adopted by the State Board of  
12 Education and that granting the application would achieve one or more of the purposes set out  
13 in G.S. 115C-238.29A. The State Board shall act by March 15 of a calendar year on all  
14 applications and appeals it receives prior to February 15 of that calendar year.

15 (b) Repealed by Session Laws 2011-164, s. 2(a), effective July 1, 2011.

16 (c) The State Board of Education may authorize a school before the applicant has  
17 secured its space, equipment, facilities, and personnel if the applicant indicates the authority is  
18 necessary for it to raise working capital. The State Board shall not allocate any funds to the  
19 school until the school has obtained space.

20 (d) The State Board of Education may grant the initial charter for a period not to exceed  
21 10 years and may renew the charter upon the request of the chartering entity for subsequent  
22 periods not to exceed 10 years each. The State Board of Education shall review the operations  
23 of each charter school at least once every five years to ensure that the school is meeting the  
24 expected academic, financial, and governance standards.

25 (e) A material revision of the provisions of a charter application shall be made only  
26 upon the approval of the State Board of Education.

27 ~~It shall not be considered a material revision of a charter application and shall not require~~  
28 ~~the prior approval of the State Board for a charter school to increase its enrollment during the~~  
29 ~~charter school's second year of operation and annually thereafter (i) by up to twenty percent~~  
30 ~~(20%) of the school's previous year's enrollment or (ii) in accordance with planned growth as~~  
31 ~~authorized in the charter. Other~~ Except as provided in subsection (f) of this section, enrollment  
32 growth shall be considered a material revision of the charter application, and the State Board  
33 may approve such additional enrollment growth of greater than twenty percent (20%) only if  
34 the State Board finds that all of the following:

35 (1) The actual enrollment of the charter school is within ten percent (10%) of its  
36 maximum authorized ~~enrollment;~~ enrollment.

37 (2) The charter school has commitments for ninety percent (90%) of the  
38 requested maximum ~~growth;~~ growth.

39 (3) The board of education of the local school administrative unit in which the  
40 charter school is located has had an opportunity to be heard by the State  
41 Board of Education on any adverse impact the proposed growth would have  
42 on the unit's ability to provide a sound basic education to its  
43 ~~students;~~ students.

44 (4) The charter school is not currently identified as  
45 ~~low performing;~~ low-performing.

46 (5) The charter school meets generally accepted standards of fiscal  
47 ~~management;~~ and management.

48 (6) It is otherwise appropriate to approve the enrollment growth.

49 (f) It shall not be considered a material revision of a charter application and shall not  
50 require prior approval of the State Board for a charter school to do any of the following:

- 1           (1)   Increase its enrollment during the charter school's second year of operation
- 2                   and annually thereafter by up to twenty percent (20%) of the school's
- 3                   previous year's enrollment.
- 4           (2)   Increase its enrollment during the charter school's second year of operation
- 5                   and annually thereafter in accordance with planned growth as authorized in
- 6                   its charter.
- 7           (3)   Expand to offer one grade higher than the charter school currently offers."

8           **SECTION 3.** This act is effective when it becomes law and applies beginning with  
9 the 2013-2014 school year.